IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22860 of 2004

Between:

Y.P.Yellappa, S/o Naganna,

Aged about 40 years,

Occ: F.P. Shop Dealer,

Polakal Village, C.Belagal Mandal,

Kurnool District.

.... PETITIONER

AND

1. The Joint Collector,

Kurnool District.

2. The Revenue Divisional Officer,

Kurnool District.

3. The Mandal Revenue Officer,

C.Belagal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in proceedings Rc.B.827/2004 dated 19-11-2004 as illegal, arbitrary, malafide against the provisions of Control

Order 2001 and consequently direct the respondents to restore the authorization of the petitioner by suspending impugned proceedings pending the appeal before the 1st respondent.

Counsel for the Petitioner: Mr.K.V.RAGHUVEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

Petitioner was appointed as a fair price shop dealer. His authorization was cancelled by the 2nd respondent through order, dated 19.11.2004, on the allegation that he is not a resident of that Village. Petitioner preferred an appeal before the 1st respondent together with an application for grant of stay. The 1st respondent refused to grant stay. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Several contentions are urged on behalf of the petitioner touching on the merits of the matter. It is stated that the only allegation levelled against the petitioner as to his residence is not borne out by records. This Court is not at all inclined to deal with that aspect of the matter. Petitioner has already availed the remedy of appeal. The question as to whether the order of cancellation passed against the petitioner suffers from irregularity or infirmity needs to be considered at the final hearing of the appeal. Interference with the orders of cancellation at interlocutory stages is almost uncommon, except where such orders glaringly or patently illegal. No exception can

be taken to the order passed by the 1st respondent to grant stay. However, the 1st respondent can be required to expedite the disposal of the appeal itself.

Hence, the writ petition is disposed of directing the 1st respondent to expedite the hearing of the appeal and pass appropriate orders thereon, within a period of six weeks from the date of receipt of a copy of this order. It is further directed that the existing temporary arrangement be continued and no permanent appointment be made, till the disposal of the appeal. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 10th December, 2004

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To

1. The Joint Collector,

Kurnool District.

2. The Revenue Divisional Officer,

Kurnool District.

3. The Mandal Revenue Officer,

C.Belagal, Kurnool District.

4. 2CCs to G.P. for Civil Supplies, High Court Buildings,

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